1 Robert P. Spretnak, Esq. (Bar No. 5135) 2 Bob@spetnak.com LAW OFFICES OF ROBERT P. SPETNAK 3 8275 S. Eastern Avenue, Suite 200 Las Vegas, Nevada 4 Telephone: (702) 454-4900 5 Facsimile: (702) 938-1055 6 Anthony J. Perez, Esq. PRO HAC VICE 7 ajperez@lawgmp.com; bvirues@lawgmp.com 8 GARCIA-MENOCAL & PEREZ P.L. 350 Sevilla Avenue, Suite 200 Coral Gables, Florida Telephone: (305) 553-3464 10 Facsimile: (855) 205-6904 11 Attorneys for Plaintiff 12 UNITED STATES DISTRICT COURT 13 **DISTRICT OF NEVADA** 14 15 JOHN MEGGS. Case No.: 2:23-cv-1051-APG-BNW 16 Plaintiff, 17 PLAINTIFF'S MOTION FOR EXTENSION VS. OF TIME TO FILE DISCOVERY 18 PLAN/SCHEDULING ORDER (First SUN SHENG INVESTMENT LLC, 19 Request) LE PRIVE HOSPITALITY LLC, and SHINJUKU LLC, 20 Defendant 21 Plaintiff, JOHN MEGGS (hereinafter "Plaintiff"), by and through his counsel of record, 22 23 hereby files this Motion for Extension of Time to File a Discovery Plan and Scheduling Order 24 and in support states as follows: 25 1. The Parties Discovery Plan and Joint Scheduling Order is presently due on 26 November 22, 2023 [D.E. 26]. 27 28

- 2. Defendant LE PRIVE HOSPITALITY LLC was served with the initial complaint on July 24, 2023, but has not been served with the amended complaint. As of this filing, Defendant LE PRIVE HOSPITALITY LLC has not yet appeared.
- 3. Defendant SUN SHENG INVESTMENT LLC was served with the amended complaint on November 3, 2023 and due on November 24, 2023.
- 4. Counsel for SUN SHENG INVESTMENT LLC has reached out to Plaintiff's counsel and mentioned that they will be soon filing an appearance with the court.
- 5. Plaintiff's counsel has not been able to confer with SHINJUKU LLC's counsel regarding this extension. Plaintiff's counsel has attempted multiple times to reach counsel through email and phone calls to reference this extension, and thus undersigned counsel presumes that difficulties in conferring are likely due to the impending holidays.
- 6. As Defendants LE PRIVE HOSPITALITY LLC and SUN SHENG INVESTMENT LLC have not yet appeared, the Parties are not able to confer with Defendants LE PRIVE HOSPITALITY LLC and SUN SHENG INVESTMENT LLC as to the Discovery Plan and Joint Scheduling Order.
- 7. Therefore, Plaintiff is requesting an extension of fourteen (14) days up to and including December 6, 2023, to file the Parties Discovery Plan and Joint Scheduling Order.

MEMORANDUM OF LAW

Rule 6(b) of the Federal Rules of Civil Procedure states:

When an act may or must be done within a specified time, the court may, for good cause, extend the time: (A) with or without motion or notice if the court acts, or if a request is made, before the original time or its extension expires; or (B) on motion made after the time has expired if the party failed to act because of excusable neglect.

A trial court has "the inherent authority to manage their dockets and courtrooms with a view toward the efficient and expedient resolution of cases." *Dietz v. Bouldin*, 136 S. Ct. 1885, 1892 (2016).

Here, there is good cause to grant this motion for extension of time because Plaintiff is pending the appearance of additional parties to the litigation whose participation is required to formulate a scheduling order and discovery plan. Additionally, Plaintiff anticipates that LE PRIVE HOSPITALITY LLC will be served in the near future and therefore their responses to the Amended Complaint will be due soon. Furthermore, since not all the Parties have not yet been served, Plaintiff respectfully requests that the Court extend the time to file a scheduling order and discovery plan by fourteen (14) days. The additional time will allow for Plaintiff to serve the remaining Defendant, contact opposing counsel, and confer with any counsel that appears.

WHEREFORE, Plaintiff respectfully requests that the Court extend the time to file the Discovery Plan and Joint Scheduling Order by fourteen (14) days, and for such other relief as is just and proper.

DATED: November 22, 2023

RESPECTFULLY SUBMITTED,

Robert P. Spretnak, Esq. (Nevada Bar No. 5135)

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9	Attorneys for Plaintiff John Meggs	
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13		<u>ORDER</u>
14	IT IS SO ORDERED.	
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16	Dated: <u>11/27/2023</u> .	
17		Berbucken
18		United States Magistrate Judge
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